

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBIN MARK REITZ,

3:13-cv-02025-AC

Plaintiff,

ORDER

v.

MAYOR SAM ADAMS, GOVERNOR
KITZHABER OF OREGON; PORTLAND
POLICE DEPARTMENT; STATE OF
OREGON; and DEPARTMENT OF
TRANSPORTATION,

Defendants.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#75) on March 2, 2015, in which he recommends this Court deny Plaintiff's First Motion (#38) for Default; deny Plaintiff's Motion (#56) for Extension of Time; grant Defendants'

Motions (#43, #44) to Dismiss and dismiss Plaintiff's Second Amended Complaint (#24) with prejudice; and deny as moot Plaintiff's Second Motion (#53) for Default. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*).

In his Objections Plaintiff restates arguments presented to the Magistrate Judge and submits additional materials that do not state a claim on which relief can be granted or are not relevant to the issues before the Court.

This Court has carefully considered Plaintiff's Objections and concludes Plaintiff's Objections do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and

Recommendation (#75). Accordingly, the Court **DENIES** Plaintiff's First Motion (#38) for Default and Plaintiff's Motion (#56) for Extension of Time. The Court **GRANTS** Defendants' Motions (#43, #44) to Dismiss and **DISMISSES** Plaintiff's Second Amended Complaint (#24) **with prejudice**. Finally, the Court **DENIES as moot** Plaintiff's Second Motion (#53) for Default.

IT IS SO ORDERED.

DATED this 23rd day of March, 2015.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge